

REMARKS

Claims 4-23 were pending in the application prior to this amendment. New claims 24-28 have been added herein. Accordingly, after entry of this amendment, claims 4-28 will be pending in the application. Reexamination and reconsideration are requested.

I. Objection to the Specification

On page 2 of the Office action, the Examiner objects to the specification, indicating that the patent application number is missing at line 12 of page 1. Applicant notes, however, that the specification was previously amended to add this missing serial number (see applicant's response and amendment filed March 17, 2005, page 6).

II. Requirement for New Drawings

On page 2 of the Office action, the Examiner requires that new drawings be submitted "because the drawings as best scanned are not clear."

Applicant notes, however, that new formal drawings were previously filed on August 30, 2004. These new formal drawings were professionally prepared and are, it is believed, of more than sufficient quality for scanning purposes. It is not clear whether the Examiner is objecting to the new formal drawings filed on August 30, 2004, or the drawings originally filed with the application (which were informal in nature). Clarification is requested.

Applicant submits herewith a copy of the new formal drawings previously filed on August 30, 2004, for the convenience of the Examiner and in an effort to clarify any confusion regarding the drawings.

III. Objection to the Drawings

On page 2 of the Office action (last paragraph), the Examiner objects to the drawings under 37 CFR §1.83(a). The Examiner indicates that the "axis of rotation that is moveable relative to the base in a direction transverse to said axis of rotation" (as recited in claim 4) must be shown or the feature must be canceled from the claim.

In response, applicant points out that the axis in question is already shown in Fig. 11 as the axis A-A. This axis is discussed in the specification,

for example, as follows:

With reference now to Fig. 11, the attachment portion 340 may be provided with a slot 346 that receives a pin 382 formed on the connection member 380. As can be appreciated, this connection between the connection member 380 and the attachment portion 340 allows the connection member 380 to translate in the directions indicated by the arrow 350 as well as rotate about the axis A-A relative to the attachment portion 340. In other words, the rotation axis A-A is able to translate in the directions indicated by the arrow 344.

(page 8, lines 9-16)

Accordingly, the Examiner's objection is believed to be addressed.

IV. Rejection of Claim 4 under 35 U.S.C. §102(e)

Claim 4 stands rejected under 35 U.S.C. §102(e) as being anticipated by Curry et al. (U.S. Patent No. 6,814,293). Reconsideration of the Examiner's rejection is requested.

Applicant's claim 4 recites the following:

A scanning assembly comprising:
a base; and
an optical scanner that is moveably attached to said base and pivotable relative to said base about an axis of rotation, wherein, **said axis of rotation is moveable relative to said base in a direction transverse to said axis of rotation.**

With reference to Fig. 27, Curry et al. discloses a scanner 700, a base 722 and a stalk 724 pivotally attached to the base 722 at a pivot axis 732. Curry et al. does not, however, disclose or suggest that the pivot axis 732 is

"moveable relative to said base in a direction transverse to said axis of rotation" as recited in claim 4. Since Curry et al. does not disclose all of the limitations of claim 4, claim 4 is not anticipated by Curry et al. The standard for lack of novelty, that is, for "anticipation," under 35 U.S.C. 102 is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

V. Rejection of Claims 4, 5, 8, 9, 12, 13, 16, 17, 19, 20 and 23 under 35 U.S.C. §102(e)

Claims 4, 5, 8, 9, 12, 13, 16, 17, 19, 20 and 23 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ring et al. (U.S. Patent No. 6,460,768). Reconsideration of the Examiner's rejection is requested.

Claims 4, 5, 8 and 9

Applicant's claim 4 recites the following:

A scanning assembly comprising:
a base; and
an optical scanner that is moveably attached to said base and pivotable relative to said base about an axis of rotation, wherein, **said axis of rotation is moveable relative to said base in a direction transverse to said axis of rotation.**

With reference to Fig. 1, Ring et al. discloses a scanner housing 21 bifurcated into a tower portion 24 and a scan head portion 22. The tower portion 24 is attached to a base 26. The scan head portion 22 is mounted to

the tower portion 24 for rotation about an axis 126, Fig. 7. Ring et al. does not, however, disclose or suggest that the axis 126 is "moveable relative to said base in a direction transverse to said axis of rotation" as recited in claim 4. Since Ring et al. does not disclose all of the limitations of claim 4, claim 4 is not anticipated by Ring et al. Again, the standard for lack of novelty, that is, for "anticipation," under 35 U.S.C. 102 is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

Claims 5, 8 and 9 are allowable at least as ultimately depending from allowable base claim 4.

Claims 12, 13, 16 and 17

Applicant's claim 12 recites the following:

A method of scanning comprising:

providing a scanning assembly comprising a base and an optical scanner moveably attached to said base, said scanning assembly being capable of assuming at least a closed condition in which said optical scanner is substantially parallel to said base and an open condition in which said optical scanner is not substantially parallel to said base;

placing an object to be scanned on said base while said scanning assembly is in said open condition;

moving said scanning assembly to said closed condition by pivoting said optical scanner relative to said base about an axis of rotation;

displacing said axis of rotation in a direction transverse to

said axis of rotation while said scanning assembly is being moved to said closed condition; and

scanning said object with said optical scanner after said moving said scanning assembly to said closed condition.

Considering the language highlighted above, claim 12 is allowable for at least the same reasons advanced above with respect to the rejection of claim 4 over Ring et al.

Claims 13, 16 and 17 are allowable at least as ultimately depending from allowable base claim 12.

Claims 19, 20 and 23

Applicant's claim 19 recites the following:

A scanning assembly comprising:
a base;
an optical scanner moveably supported by said base;
said scanning assembly capable of assuming at least a closed condition in which said optical scanner is proximate said base and an open condition in which said optical scanner is not proximate said base;
and
wherein, **said base comprises at least one guide member.**

As correctly pointed out by the Examiner, Ring et al. discloses a scanner 20 having a base 26. The base 26 of Ring et al., however, does not comprise "at least one guide member" as recited by claim 19. Since Ring et al. does not disclose all of the limitations of claim 19, claim 19 is not

anticipated by Ring et al.

Claims 20 and 23 are allowable at least as ultimately depending from allowable base claim 19.

VI. Allowable Subject Matter

On page 6 of the Office action, the Examiner indicates that dependent claims 6, 7, 10, 11, 14, 15, 18, 21 and 22 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

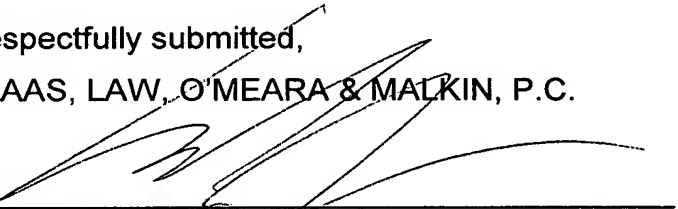
VII. New Claims 24-28

New claims 24-28 have been introduced herein and are fully supported by the originally-filed application with reference, for example, to drawing Figs. 7-12 and to the written specification. No new matter has been added.

In view of the above, all of the claims are believed to be in condition for allowance.

Respectfully submitted,
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